

IN THE PORTER COUNTY SUPERIOR COURT
STATE OF INDIANA

ARLISA ANN RUCKER,) CAUSE NO. 64D01-1805-CT-004302
)
Plaintiff,)
)
v.)
)
SPEEDWAY LLC,)
)
Defendant.)

ANSWER TO PLAINTIFF'S COMPLAINT

Comes now the defendant Speedway LLC, by counsel, and for its Answer to plaintiff's Complaint, states:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in rhetorical paragraph 1.
2. Defendant denies the material allegations contained in rhetorical paragraph 2. The defendant is a limited liability company organized under the laws of the state of Delaware.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in rhetorical paragraph 3.
4. Defendant denies the material allegations contained in rhetorical paragraph 4.
5. Defendant denies the material allegations contained in rhetorical paragraph 5.
6. Defendant denies the material allegations contained in rhetorical paragraph 6.
7. Defendant denies the material allegations contained in rhetorical paragraph 7.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Attorneys for Defendant Speedway LLC

AFFIRMATIVE DEFENSES

1. The fault of plaintiff Arlisa Ann Rucker caused or contributed to cause the incident in question and resulting damages.

2. Defendant reserves the right to assert additional affirmative defenses disclosed during discovery.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Attorneys for Defendant Speedway LLC

REQUEST FOR JURY TRIAL

Comes now defendant, by counsel, and requests trial by jury in this matter.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Attorneys for Defendant Speedway LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Hilary R. Hall
Walter J. Alvarez, P.C.
1524 West 96th Avenue
Crown Point, IN 46307

/s/ Thomas L. Davis

Thomas L. Davis

FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
Phone: (317) 237-3800
Fax: (317) 237-3900
tdavis@fbtlaw.com

**IN THE PORTER COUNTY SUPERIOR COURT
STATE OF INDIANA**

ARLISA ANN RUCKER,)	CAUSE NO. 64D01-1805-CT-004302
)	
Plaintiff,)	
)	
v.)	
)	
SPEEDWAY LLC,)	
)	
Defendant.)	

APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating _____ Responding ☒ Intervening _____; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: **Speedway LLC**

Address of party (*see Question # 6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order*)

Not applicable

Telephone # of party Not applicable

FAX: Not applicable

Email Address: Not applicable

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name:	Thomas L. Davis	Attorney Number:	#4423-49
	FROST BROWN TODD LLC	Phone:	(317) 237-3800
Address:	201 North Illinois Street, Suite 1900	FAX:	(317) 237-3900
	P.O. Box 44961	Email:	tdavis@fbtlaw.com
	Indianapolis, IN 46244-0961		

(List on continuation page additional attorneys appearing for above party)

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. I will accept service from other parties by:

FAX at the above noted number: Yes ____ No ☒

Email at the above noted number: Yes ____ No ☒

5. This case involves child support issues. Yes ____ No ☒ *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on light green paper. Use Form TCM-TR3.1-4.)*

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ____ No ☒ *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

____ Attorney's address
____ The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).
____ Another address (provide)

7. This case involves a petition for involuntary commitment. Yes ____ No ☒

8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above: _____

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached
confidential document Yes ____ No ____

9. There are related cases: Yes ____ No ✓ *(If yes, list on continuation page.)*

10. Additional information required by local rule:

Not applicable

11. There are other party members: Yes ____ No ✓ *(If yes, list on continuation page.)*

12. This form has been served on all other parties and Certificate of Service is attached:
Yes ✓ No ____

/s/ Thomas L. Davis
Attorney or Pro Se Signature

Thomas L. Davis
Printed

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Hilary R. Hall
Walter J. Alvarez, P.C.
1524 West 96th Avenue
Crown Point, IN 46307

/s/ Thomas L. Davis

Thomas L. Davis

FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
Phone: (317) 237-3800
Fax: (317) 237-3900
tdavis@fbtlaw.com

0126183.0661754 4848-1575-4855v1

64D01-1805-CT-004302

Porter Superior Court 1

Filed: 5/7/2018 11:16 AM
Clerk
Porter County, Indiana

STATE OF INDIANA) IN THE PORTER CIRCUIT/SUPERIOR COURT
) SS:
 COUNTY OF PORTER) SITTING IN VALPARAISO, INDIANA

ARLISA ANN RUCKER,

Plaintiff,

vs.

SPEEDWAY LLC,

Defendant.

CAUSE NO:

SUMMONS

THE STATE OF INDIANA TO THE DEFENDANT: **SPEEDWAY, LLC**
CT Corporation System
150 W. Market Street, Suite 800
Indianapolis, IN 46204

You have been sued by the person(s) identified as "Plaintiffs" in the Court stated above.

The nature of the suit against you is stated in the COMPLAINT which is attached to this SUMMONS. It also states the demand which the Plaintiff has made against you.

You must either personally or by your attorney file your written answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for you by the Sheriff or other process server.

In the event the SUMMONS and COMPLAINT were left for you and you then receive by first class mail (not certified) a copy of the SUMMONS alone, this mailing is merely a confirmation that the SUMMONS and COMPLAINT were previously left for you. You should not consider the date on which you receive the mailed SUMMONS as the commencement date for the time period allowed for your answer. Rather, the time period allowed for your written answer commences on the date when the SUMMONS and COMPLAINT were first personally served upon you or your agent or left for you by the Sheriff or other process server.

However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk. If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

The following manner of service is hereby designated: CERTIFIED MAIL

Attorneys for Plaintiff:

Hilary R. HallInd. Atty. No.: 22728-451524 West 96th AvenueCrown Point, Indiana 46307Tel. No.: (219) 662-6400Date: 5/7/2018

Karen M. Martin, CLERK
 PORTER COUNTY CIRCUIT AND SUPERIOR COURTS
 BY: BP

Deputy Clerk



CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2018, I mailed a copy of this SUMMONS and a copy of the COMPLAINT to the Defendant, by mail, requesting a return receipt, at the address furnished by the Plaintiff.

KAREN M. MARTIN,
CLERK, PORTER COUNTY CIRCUIT AND SUPERIOR COURTS

Dated: _____, BY: _____
Deputy Clerk

RETURN SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT mailed to Defendant and was accepted by the Defendant on the _____ day of _____.

KAREN M. MARTIN,
CLERK, PORTER COUNTY CIRCUIT AND SUPERIOR COURTS

Dated: _____, BY: _____
Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within SUMMONS:

1. By delivering on _____, a copy of this SUMMONS, a copy of the COMPLAINT and all other materials filed the same date of each of the within named person(s).

2. By leaving on _____, for each of the within named person(s) _____ a copy of the SUMMONS, a copy of the COMPLAINT and all other materials filed the same date at the respective dwelling house or usual place of abode of _____ in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of the person served, or by otherwise leaving such process thereat, and by mailing a copy of the SUMMONS without the COMPLAINT to the said named person(s) at the address listed herein.

3. This SUMMONS came to hand this date, _____, The within named _____ was not found in my bailiwick this date, _____.

ALL DONE IN PORTER COUNTY, INDIANA.
DAVID REYNOLDS,
SHERIFF OF PORTER COUNTY, INDIANA
BY: _____

SERVICE ACKNOWLEDGED

A copy of the within SUMMONS, a copy of the COMPLAINT and all materials filed the same date attached thereto were received by me at _____ in _____, Indiana, on this date, _____.

Signature of Defendant

STATE OF INDIANA) IN THE PORTER CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF PORTER) SITTING IN PORTER COUNTY, INDIANA

ARLISA ANN RUCKER,)
)
Plaintiff,)
) CAUSE NO:
vs.)
)
SPEEDWAY LLC,)
)
Defendant.)

COMPLAINT

COMES NOW the Plaintiff, Arlisa Ann Rucker, by counsel, WALTER J. ALVAREZ, P.C., and for her cause of action against Defendant Speedway LLC now states as follows:

1. This is a civil action for injuries and damages that the Plaintiff, Arlisa Ann Rucker, sustained as the result of a slip and fall which occurred on June 19, 2016, as she was walking back to her car, after paying for gas at a gas station facility owned, operated and/or controlled by the Defendant, in Valparaiso, Porter County, State of Indiana.
 2. The Defendant, Speedway LLC, is a corporation organized and existing under the laws of the State of Ohio and doing business in the State of Indiana.
 3. On June 19, 2016, the Plaintiff was lawfully on the premises of the Defendant as a business invitee, with the permission of and for the benefit of the Plaintiff.
 4. At this date and time, due to the negligence of the Defendant, the Plaintiff
-
- slipped and fell due to a liquid substance on the pavement at the Defendant's facility, thereby sustaining injuries.

5. The Defendant had a duty to the Plaintiff to maintain their premises in a reasonably safe condition, and the Defendant negligently failed to do so.
6. The Defendant's negligence toward the Plaintiff includes, but is not limited to, all of the following:
 - a. Failure to exercise reasonable care to discover a dangerous condition which provided an unreasonable risk of harm to the Plaintiff;
 - b. Failure to operate their establishment in a reasonably careful and prudent manner;
 - c. Failure to exercise reasonable care to protect business invitees against said danger, when the Defendant either knew or should reasonably have known that its invitees would not recognize the danger, or would fail to protect themselves against said danger;
 - d. Failure to follow recommendations that would have prevented the aforementioned hazard;
 - e. Failure to exercise the requisite degree of care that a reasonably prudent person would have exercised under the same or similar circumstances or conditions;
 - f. Failure to operate their establishment in a reasonably careful and prudent manner;
 - g. Negligent hiring and/or training of individuals and/or entities;
 - h. Failure to keep clear of wet and/or slippery foreign substances the pavement and other walking surfaces at their establishment in order to protect against this dangerous condition, failure to place mats down to protect against this dangerous condition, and/or failure to put up adequate signage or other means to warn customers of this dangerous condition; and
 - i. Failure to comply with the doctrine of spoliation of evidence, pursuant to Indiana law, to maintain and preserve evidence.

7. That as a direct and proximate result of the negligence of the Defendant, the Plaintiff suffered injuries, some of which are permanent; incurred medical expenses for care, testing and treatment; suffered loss of wages and earning ability; and suffered an inability to engage in her normal daily activities for an indefinite period of time.

WHEREFORE, Plaintiff, Arlisa Ann Rucker, demands judgment against Defendant, Speedway LLC, and prays as follows: for reasonable compensatory damages; for pre-judgment interest and post-judgment interest; for the costs of this action; and for all other necessary and proper relief.

Respectfully submitted,

WALTER J. ALVAREZ, P.C.



Hilary R. Hall (# 22728-45)
Walter J. Alvarez, P.C.
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

The Plaintiff, Arlisa Ann Rucker, hereby demands a jury trial for all counts and claims set forth in this Complaint.

Respectfully submitted,

WALTER J. ALVAREZ, P.C.



Hilary R. Hall (# 22728-45)
Walter J. Alvarez, P.C.
1524 W. 96th Avenue
Crown Point, IN 46307
Attorneys for Plaintiff

Porter Superior Court 1

Clerk
 Porter County, Indiana

STATE OF INDIANA) IN THE PORTER CIRCUIT/SUPERIOR COURT
) SS:
 COUNTY OF PORTER) SITTING IN PORTER COUNTY, INDIANA

ARLISA ANN RUCKER,)
)
 Plaintiff,)
) CAUSE NO:
 vs.)
)
 SPEEDWAY LLC,)
)
 Defendant.)

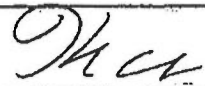
APPEARANCE BY ATTORNEY IN CASE

Party Classification: Initiating X Responding ___ Intervening ___

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): ARLISA ANN RUCKER
2. Applicable attorney information for service as requested by Trial Rule 5(b)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: <u>Walter J. Alvarez</u>	Atty. Number: <u>32393-45</u>	Email: <u>alvarezpcclaw@aol.com</u>
Name: <u>Steven J. Alvarez</u>	Atty. Number: <u>32393-45</u>	Email: <u>steven@gowithalvarez.com</u>
Name: <u>Michael F. McFarland</u>	Atty. Number: <u>32393-45</u>	Email: <u>michael@gowithalvarez.com</u>
Name: <u>Brock P. Alvarado</u>	Atty. Number: <u>32393-45</u>	Email: <u>brock@gowithalvarez.com</u>
Name: <u>Duke T. Escue</u>	Atty. Number: <u>32393-45</u>	Email: <u>escue980@comcast.net</u>
Address: <u>1524 W. 96th Avenue</u>		Phone Number: <u>(219) 662-6400</u>
<u>Crown Point, IN 46307</u>		Fax Number: <u>(219) 662-6410</u>

3. There are other party members: Yes ___ No X (If yes, list on continuation page)
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administration Rule 9(b)(3): _____
5. I will NOT accept service by FAX at any number.
6. This case involves support issues. Yes ___ No X (If yes, supply social security numbers for all family members on continuation page.)
7. There are related cases: Yes ___ No X (If yes, list on continuation page.)
8. This form has been served on all other parties,
 Certificate of Service Attached: Yes ___ No X
9. Additional information required by local rule: _____


 Hilary R. Hall, #22728-45
 Attorney-at-Law
 Attorney information shown above